

FILED

JUL 16 2020

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
SAN ANTONIO

1. In your complaint, you have named Cpt. Parker as a defendant. State exactly what it is that this defendant personally either did or failed to do while acting under color of state law that you believe violated your constitutional rights, and when. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. Be specific.

While acting under color of state law ~~XXXXXX~~ Cpt. Parker as a defendant personally failed to protect me from sexual harassment, where on Aug 16, 2019 you will see on A. Hughes camera at or around 10:00 ~~am~~ ^{am} ~~and~~ 4:30 P.M. I the Plaintiff give the Defendant Cpt Parker a detailed letter of all events of sexual harassment by G. Gomez, # and verbally also explain while standing in front of the 8 Chow hall on camera.

The adverse consequence of Defendant Cpt. Parker failure to act under color of state law for ~~Pro~~ ~~PREA~~ ~~ZERO~~ Tolerance to aid me by separating me ~~and~~ ~~or~~ investigation on Aug 16, 2019 caused me Plaintiff Phillip Lowe to be subject to stabbing beaten with lock and threaten to be tied up by G. Gomez on Aug 17, 2019, Therefore it is in my belief that it is and has become transparent that my 8th Amendment Constitutional right has been violated by Deliberate indifference failure to protect by Cpt Parker on Aug 16, 2019.

The harm I have suffered for which relief is sought is pain and suffering, Mental Anguish and Penitence Disciplinary That cause damage to opportunity to have parole. I was put on HIR and HEPC pep Meds that caused pain and depression. I still have fears of day of stabbing and nightmares.

The final Adverse consequence of Cpt Parker failure to protect is ~~The failure of~~ Stated above and for the purpose of The court to have specific answers for reason to give relief for punitive damages, and compensatory relief of 80,000 ~~Thou~~ ~~Eighty Thousand~~ ~~dollars~~ ~~Thousand~~ dollars To plaintiff Phillip Lowe.

2. In your complaint, you have named Brent Berridge as a defendant. State exactly what it is that this defendant personally either did or failed to do while acting under color of state law that you believe violated your constitutional rights, and when. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. Be specific.

While acting under color of state law ~~as~~ Brent Berridge as a defendant The C.O.V Berridge of The 1/2 card of The Alfred Hodge unit personally did Criminal organized fraud on Sept. 17, 2020 I was Assaulted by defendant C.O.V Berridge of the 1/2 card and he failed to give Medical aid when I The Plaintiff requested Medical for chest Paines where I was dizzy and in need of medical Assistance in emergency situation. This can be seen on camera on ~~Aug 17~~ SEPT 17, 2019 at or around between 10:20 am and 11:50 am.

I Suffered An Shoulder injury, and unar nerve ~~loss~~ damage that will need In side medical aid while in Prison and when release and will be a reason for loss of wages for limited work that can be done as it is most work I will be required to do ~~will be re~~ Use hand and Shoulder will be loss for lack of time that I can repetitively use. I am still suffering Pain in Shoulder and hand of right ~~body~~ side of my body

④ The defendant did also continue to ~~harass~~ harass me by showing up at Medical and walk me to medical in the middle of my walk from chow and for no apparent reason but to ~~harass~~ harass and aggravate me. These events are the why I am seeking relief for the 8th Amendment of ~~the~~ MY Constitutional Right that has been violated cruel and unusual Punishment.

I am Pepturbed at night I believe it is transparent that C.O.V Berridge of The 1/2 card even as desk boss with in ~~3~~ The 29 day or more was made aware of ~~what~~ The Stabbing That took Place on his building and the grievance written and did so on Aug 17-2019 motivate Pre meditated severe ~~beat~~ beating he gave me.

3. In your complaint, you have named Sgt. Witiker as a defendant. State exactly what it is that this defendant personally either did or failed to do while acting under color of state law that you believe violated your constitutional rights, and when. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. Be specific.

While acting under color of state law ~~as a defendant personally~~
~~failed~~ Sgt Witiker as a defendant personally did criminal
organized fraud on Aug-17-2014. You will see on camera of 7 building
desk area at or around between 10:00 am to 12:10 PM The Sgt Witiker
Cohercing me to write statement instead of calling The OIG, where he took
first statement and destroyed it because it stated stabbing and details of
sexual ~~harass~~ harassment and fear of rape, he then gave me a New statement
Copy and said Just write "No Longer in danger", or get a write up for
dis obeying a direct order. I did against my will and here is where
Sgt Witiker's Aug-17-2014 Cohercion is a 8th Amendment constitutional rights
Violation.

I recieved adverse consequence of loss of opportunity
to see Procedure for OIG to investigate and show attempt murder
and or aggravated Assault done to me brought to light and to
serve Justice by charging Gilbert, Gomez ~~for~~ ~~it~~ for
what he did to me. I have depression that I suffer mental
anguish and ongoing lack of trust for security to be given by
those sworn to protect.

I have for these reason seeking relief of 80,000
Eighty thousand dollar ~~for~~ Punitive damages and Compensary
damages ~~relief~~ and nominal damages is what I seek relief in.

4. In your complaint, you have named CO Leach as a defendant. State exactly what it is that this defendant personally either did or failed to do while acting under color of state law that you believe violated your constitutional rights, and when. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. Be specific.

while acting under color of state law C.O Leach did criminal organized fraud, The defendant on Aug 17 2019 wrote an erroneous disciplinary, that was corrected in hearing ~~by~~ by Cpt Martinez on a date of hearing, The disciplinary written by C.O Leach stated no injury had taken place, and on a later date on day of hearing the statement was corrected by Cpt Martinez to with injury because confirmation was made from medical. The C.O Leach while under color of state law did so violate The 8th ~~Amendment~~ ~~right~~ Constitutional right for cruel and unusual punishment, for the Health and Safety code violation 181.101 and 181.201 Not using training to write true statements and to not falsify documents. The Harm done has cause Mental Anguish of depression sleepless nights. loss of time to have correct custody promotion given and harm to opportunity to parole release damaged The C.O Leach to part in search for stabbing weapon while no OIG was Notified. I Plaintiff am seeking Punitive damages and to have Compensatory relief of 80,000 Eighty Thousand dollars.

5. In your complaint, you have named Librarian Hamilton as a defendant. State exactly what it is that this defendant personally either did or failed to do while acting under color of state law that you believe violated your constitutional rights, and when. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. Be specific.

While acting under color of state law the defendant Librarian Hamilton personally did criminal organized fraud throughout this whole pursuit of seeking justice for any constitutional right being violated throughout Aug 17, 2014 and presently I have no access and no indirect access to law library for purpose to learn penal codes and employee roster to strengthen my lawsuit for criminal and federal and state laws that have been broken such as to investigate why did G. Gomez #1556875 die in custody of A. Hughes and who else was took part in death of C.O MS Nellums who was with Sgt Jackson at time for reason I had suspected per her statement by Sgt Jackson such as look at him with that case he needs it statement said while in presents of Sgt Parker at pole school pole that led me to suspect that Sgt Parker took this statement in frustration causing me him to motivated to person of suspicion to the car accident that harmed Sgt Jackson and death of C.O Nellums. I was also seeking to research case law for this 1983 for with I have only had indirect access to file 1983 and to pick up payd for grievances that copies are made unreadable. This is cruel and unusual punishment under the 8th Amendment constitution that has been violated, and I'm seeking punitive damages against the defendant Hamilton and compensatory relief of 80,000 (Eighty Thousand dollars), I have depression and mental anguish of not having access to courts.

6. Describe in detail what injuries you sustained as a result of the assault by the other inmate. I was stabbed in right chest shoulder area, I have depression, Thought of Memory of Day being told to let me tie you up days unable to cope, Pain and Anguish of memory of painful Medication taken to prevent HIV and Hep C, fears of being raped the sexual harassment has cause me grief. Nightmares, PTSD and PTSD. lower back pain

a. Were you hospitalized? If so, for how long? I was Taken to 42 minet Visit to Enteknery and Galveston eye clinic of John celly for 8 to 12 hours mor or less in all.

- b. What treatment and/or medication have you been given, if any, for your injuries? I was given Care, I was given
Pep- KaleTRA, Pep-Lamivudine, Pep-Zidovudine
300, Robacson muscle relaxer,

c. What is your medical condition now.

I am still testing for Hiv and Hep-C, I still
have nightmares and SPTSD and PTSD

7. Your complaint alleges that excessive force was used against you by officers. Answer the following questions about this incident:
- a. On what date did this occur? If you do not know the exact date, then try to provide an approximate date. *Sept 17, 2019*

- b. Identify by name the officers who used force against you.

*C.O V Bernidge on the 1/2 card
of The Alfred Hughes unit ~~ingaporeville TX 76547~~*

- c. Where did the use of force occur?

*on 7building ~~A~~ in Outside of
desk area of The 7building Alfred
Hughes unit.*

d. Fully describe the situation immediately before the use of force or assault.

I did come onto 7 building while dizzy and having chest pains cause by mouth sores and not being to finish food ask the desk boss to give me aid to Medical but was refused while I was in transparent medical distress

e. Before the use of force occurred, did you do anything that the defendant(s) may have thought was a verbal threat or threatening move, however wrong the defendant(s) might have been? If so, give details.

No I was Non Threatening I was in medical Distress

f. What is your height and weight. b.1 height weight 179.16

g. Describe in detail what injuries you sustained as a result of the assault.

Depression, mental anguish, Ulnar nerve damage
in hand and shoulder lower back pain.

h. Were you hospitalized? If so, for how long?

A Short Infirmary visit was done 10 to 15 minutes
and multiple visit to Galveston a 3 to 4 day stay
2 to 3 visit to neuro surgeons, and set date
for shoulder therapy at Estelle unit.

- i. What treatment and/or medication have you been given, if any, for your injuries?

I was given gabapentin (Naroten),
Diphenhydramine, Phentoin sod,
Medical mouth wash (CHLORHEXIDINE),
Zolof.
Robaxon.

- j. What is your medical condition now.

Ulnar nerve damage in hand
That travels to shoulder
and lower back pain
and PTSD.

- k. Did the defendant(s) sustain any injuries during the use of force? If so, give full details.

Not That I know of.

- l. Have you been involved in any other incidents with the same officer(s)? If so, give full details.

I was taken to false
appointment to medical
I was called Bitches
I ~~was~~ was stalked while
at medical.

I was told I'm no longer
on his shit list.

8. Did you receive a disciplinary case as the result of the use of force? If so, answer the following questions:

a. Describe with detail the charges filed against you, including the case number, the offense charged, and the name of the charging officer.

Refusal to obey order. case # 20200023719
Major cases (C.O. Berridge: shit card 1/2
charging officer).

b. Did you have a disciplinary hearing? If so, when did the disciplinary hearing occur?

10-3-19 Date of hearing

- c. Were you found guilty of the charges? If so, state what punishment you received and whether you lost any previously earned good time credits. I was found guilty 45 no commissary 45 no recreation 45 property days remain line 3

- d. If you were found guilty of the disciplinary charges, have you filed an appeal? If an appeal was filed, what result, if any, have you received? Both Step one and Two appeal were filed and The result remain The same of No dismissal of Charge for over tuning case 20200023719.

9. You claim you were retaliated against and harassed by the defendants. List everything that you are claiming the defendants have done as retaliation against you and the date of each occurrence.

Sept, 17, 2019, Assault by Slamming to ground hitting with hand cuff and calling ~~BITCH~~ Bitch, The refusal to Medical Aid...

Several other occasion the taking to medical when there was no appropriate reason for going nor schedule the day I was put in cage on 8 building while attempt to file sexual harass ~~harass~~ harassment for being call a bitch and threaten to be really beaten at this time for attempt to seek help.

date going into my housing while I was gone and the reporting him to captain for that same day
See grievance evidence written.

for what reason information travels about specific individuals that violate pre procedures policy for with a Stabbino was also the outcome and then reported on grievance 202001043. as you'll see did so take place on same ~~build~~ 7 building that C.O.V Berridge works for this reason I Greatly Believe is the transparent reason C.O Berridge knowingly while under carter of ~~two retaliation~~, state law retaliated. The defendant works same building that I got Stab on.

10. Exactly what have you done or supposedly done for which the defendant(s) is retaliating against you? The defendant C.O Berridge of The 1/2 Card of The A. Hughes under corner of State law stated I was no longer on his shit list while at a time The defendant knowingly was aware of event of stabbing on his building. That he works as desk and that I am a constant grievance writer ~~against~~ and that I did so write a grievance against his co workers and Rank officer of same card for failing to protect to best of my knowledge and belief.

11. How do you know that this is the behavior for which you are suffering the retaliation? Give specific facts which lead you to believe that the defendants' acts were done in retaliation against you and not for some other reason.

The Statement on and omission by C.O V Berridge 1/2 Card on more than one occasion spoke about who was on and off his shit list, and he went on to walk me to medical for ~~at~~ For reasons to stalk continuously and even at other time in 2019 I'd report Berridge to Parker and other Rank official for his Stalling and for these reason that C.O Berridge was on same card 1/2 while under corner of State law gained knowledge of grievance ~~a month after Sept 17, 2018~~ indirectly. ~~Attacks me.~~ while calling ~~pressing~~ ~~stitch~~ ~~white~~ ~~on me~~ and other time ~~calling~~ The retaliation offenders receive after grievances written is highly known ~~to happen~~ and can be dangerous and here is where for this reason grievance 202001043 I was ASSAULTED TOG on Sept. 17, 2018 by C.O V Berridge 1/2 card.

Case 6:20-CV-000557

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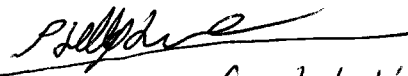
12. Plaintiff is to include the following declaration at the end of his more definite statement.

I have for the courts stated boldly The 8th Amendment Violation of my constitutional rights against ~~the~~ deliberate indifference under equal right and A real injuries were done as a consequence that I sought protection from, The policy for zero Tolerance ~~was~~ failed me here on The Alfred Hughes Unit, The death of My offender Assaulter has not stop the grief, The severe beating I've taken for speaking up in pursuit has destroyed credibility for security in filing grievances with out retaliation and still to this day I am under surveillance but being shut in hit with door with both me and TDCJ Nigerian Guard being pin between door on camera while picket Boss with control of doors laughs on, for all these injuries That I am currently being treated for I'm seeking Justice for punitive damage, Nominal damages, and compensatory damages From each defendant that are named under color of State law. ~~I declare under pen~~ I've requested Eighty Thousands dollars From Each defendant for relief, Compensatory, Nominal, and Compensory relief

6:20-cv-000557

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I declare under penalty of perjury
under the law of the United States of America, that
the foregoing is true and correct. Title 28 U.S.C
Section 1786. Signed this July day of 13 2020


Signature of plaintiff

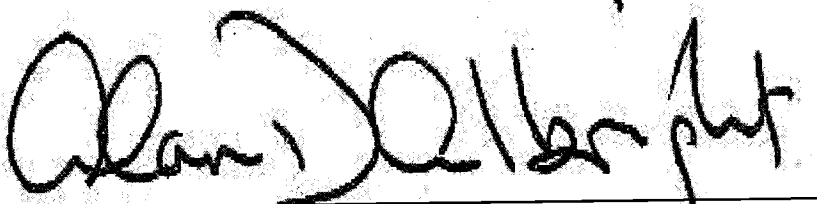
12. Plaintiff is to include the following declaration at the end of his more definite statement: ~~Will this [redacted] also [redacted] turn a blind eye to the 8th Amendment right constitutional right violated by Criminal organized crime today?~~

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Title 28 U.S.C. Section 1746. Signed this July day of 13, 2020.



Signature of Plaintiff

SIGNED on June 25, 2020



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PHILLIP LUMAR LOWE #2027814

V.

CPT. PARKER, et al.

§
§
§
§
§

W-20-CA-557-ADA

ORDER

Before the Court is Plaintiff's Complaint in which he asserts Defendants failed protect him from an assault by another inmate and engaged in retaliatory conduct. Under the notice pleading requirement for a federal lawsuit, Plaintiff is required to state what acts Defendants did to cause him damage. As currently written, Plaintiff's Complaint lacks sufficient facts and is inadequate as a result. Without additional details, Plaintiff's Complaint may be dismissed for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); *Brown v. Taylor*, 829 F.3d 365, 370 (5th Cir. 2016).

It is, therefore, **ORDERED** that Plaintiff shall file a more definite statement in which he answers the following questions **on or before July 27, 2020**. *See* Fed. R. Civ. P. 12(e); *Parker v. Carpenter*, 978 F.2d 190, 191 (5th Cir. 1992); *Spears v. McCotter*, 766 F.2d 179, 180-81 (5th Cir. 1985). A failure to do so will cause this Court to dismiss Plaintiff's complaint for want of prosecution.

The questions the plaintiff is **ORDERED** to answer are as follows:



CLERK U.S. DISTRICT COURT
Western District of Texas
United States Courthouse
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Waco Texas, 76701

Phillip Lowe 202/011
~~Box 1100~~
Hughes unit

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Legal